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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,472	02/06/2008	Horst Egger	EGGER	6998
20151 7590 01/06/2010 HENRY M FEIEREISEN, LLC HENRY M FEIEREISEN 708 THIRD AVENUE SUITE 1501 NEW YORK, NY 10017				
EXAMINER LAWRENCE JR, FRANK M				
ART UNIT		PAPER NUMBER		
1797				
NOTIFICATION DATE		DELIVERY MODE		
01/06/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@FEIEREISENLLC.COM

Office Action Summary

Application No.

10/596,472

Applicant(s)

EGGER ET AL.

Examiner

Frank M. Lawrence

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 27-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/200)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date: ____

DETAILED ACTION

Specification

1. The substitute specification filed June 14, 2007 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: It does not include a *complete* marked-up copy or a statement that it does not contain new matter.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 27-30, 32, 34 and 37-43 are rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese reference (JP 61-114716 A).

4. JP '716 teaches a fluidized bed humidifier, comprising multiple tubular, parallel, vertical up-flow bed containers (1,2) containing silica gel in a loose fill and filled up to a height which is smaller than the length of the containers for fluidization. The containers include metal nets (1a) that are permeable to air and impermeable to the silica gel, and are shaped as triangular pie slices in a circular container that has smaller open ends than the cross section. In use, the beds rotate to cyclically dehumidify air and regenerate using heated air (see abstract, figures).

5. Claims 40-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Besik (4,711,097).

6. Besik '097 teaches an air dehumidifier that cyclically dehumidifies an air flow in one bed while regenerating a saturated bed using heated air. Desiccant in the beds can include LiCl or

LiBr that is filled and withdrawn through flanged openings (38, 38a, 48, 48a) (see figures, col. 4, line 42 to col. 5, line 63).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 31, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '716 in view of Besik '097.
9. JP '716 discloses all of the limitations of the claims except that the bed containers have a rectangular cross section, a maintenance opening, and a lithium salt desiccant. Besik '097 discloses a dehumidifier as described in paragraph 6 above. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device of JP '716 by adding a maintenance opening in order to provide access means for removing and replacing used desiccant, and to use any appropriate dehumidifying agent based on its cost, availability, and desired performance. The shape of the bed containers is considered to be an obvious design choice that could be based on aesthetics, and that square or rectangular shapes could have been used.
10. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '716 in view of Vertriest (5,925,169).
11. JP '716 discloses all of the limitations of the claims except that the sorption agent includes alumina. Vertriest '169 discloses that alumina can be used as an alternative to silica gel

for removing moisture from air (col. 3, lines 44-50). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device of JP '716 by using any known appropriate dehumidifying agent based on its cost, availability, and desired performance.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references listed on the attached PTO-892 form disclose air dehumidifiers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Marcheschi can be reached on 571-272-1374. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank M. Lawrence/

Art Unit: 1797

Primary Examiner, Art Unit 1797

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